

REMARKS

In response to the Office Action dated September 27, 2007, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Prior to entry of this response, Claims 1-22 were pending in the application, of which Claims 1, 8 and 14 are independent. In the Office Action dated September 27, 2007, Claims 1, 3, and 7-9 were rejected under 35 U.S.C. §102(e) and Claims 2, 4-6, and 10-22 were rejected under 35 U.S.C. §103(a). Following this response, Claims 1-22 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of Claims 1, 3, and 7-9 Under 35 U.S.C. § 102(e)

In the Office Action dated September 27, 2007, the Examiner rejected Claim 1, 3, and 7-9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Pub. No. 2004/0181484 ("*Rogalski*"). Applicants respectfully traverse this rejection.

Applicants submit a Declaration under 37 C.F.R. § 1.131 by Al Hicks, one of the inventors of this application. Submitted with the Declaration is an Exhibit A (collectively hereinafter referred to as the "Declaration") which was prepared prior to January 8, 2003, the effective filing date of the provision to which *Rogalski* claims priority. The Declaration shows a wireless access point wired to a data network. (See Exhibit A, slides 3 and 8.) The Declaration also shows that the wireless access point may allow handsets to access the data network for providing communications. (See Exhibit A slides 3 and 8.)

Based on the Declaration, at least the recitation from Claim 1 was also conceived prior to the effective filing date of *Rogalski*. Furthermore, the Declaration establishes that the subject matter of Claim 8 was also conceived prior to the effective filing date of *Rogalski*. For instance, the Declaration shows "a first wireless network including at least one wireless access point wired to the wired data network, the at least one wireless access point being operative to provide wireless access to the wired data network over an unregulated wireless connection; and at least one digital cordless handset for communicating with the at least one wireless access point via the unregulated wireless connection in order to provide the voice and data services," as recited by Claim 1, and "detecting a digital cordless handset in range of a wireless access point over an unregulated wireless connection, wherein the wireless access point is wired to the wired data network; and providing for incoming calls to and outgoing calls from the digital cordless handset and through the wired data network," as recited by Claim 8.

Conception is at least established by Exhibit A. Diligence from the point of conception to at least constructive reduction to practice is established by the short time span between conception and subsequent preparation of an invention disclosure form, in addition to working with patent counsel to prepare and file the currently pending application. For instance, a draft application was sent to the inventors for review on June 9, 2003 and subsequently filed on July 7, 2003. In view of the concurrently filed 37 C.F.R. 1.131 declaration, *Rogalski* is disqualified as prior art against the current application. For example, the 37 C.F.R. 1.131 declaration and supporting evidence show that at least portions of the claimed subject matter were conceived and at least

constructively reduced to practice before January 8, 2003, the effective filing date of the provision to which *Rogalski* claims priority. Consequently, a rejection of any of the pending claims over *Rogalski* is inappropriate, and Applicants respectfully request withdrawal of the rejection of Claims 1, 3 and 7-9 over *Rogalski*. Accordingly, Applicants respectfully request withdrawal of this rejection of Claims 1, 3 and 7-9.

II. Rejection of Claims 14-21 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 14-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,404,764 ("*Jones*") in view of *Rogalski*. As stated above, in view of the concurrently filed 37 C.F.R. 1.131 declaration, *Rogalski* is disqualified as prior art against the current application. For example, the 37 C.F.R. 1.131 declaration and supporting evidence show that at least portions of the claimed subject matter were conceived and at least constructively reduced to practice before January 8, 2003, the effective filing date of the provision to which *Rogalski* claims priority. Furthermore, the Declaration establishes that the subject matter of Claim 14, which has similar recitations to those of Claim 1, was conceived prior to the effective filing date of *Rogalski*. Consequently, a rejection of any of the pending claims over *Rogalski* is inappropriate, and Applicants respectfully request withdrawal of the rejection of Claims 14-21 over *Jones* in view of *Rogalski*.

III. Rejection of Claim 2 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over *Rogalski* in view of U.S. Patent No. 5,915,224 ("*Jonsson*"). As stated above, in view of the concurrently filed 37 C.F.R. 1.131 declaration, *Rogalski* is disqualified as prior art against the current application. For example, the 37 C.F.R. 1.131 declaration and supporting evidence show that at least portions of the claimed subject matter were conceived and at least constructively reduced to practice before January 8, 2003, the effective filing date of the provision to which *Rogalski* claims priority. Consequently, a rejection of any of the pending claims over *Rogalski* is inappropriate, and Applicants respectfully request withdrawal of the rejection of Claim 2 over *Rogalski*.

IV. Rejection of Claims 4-6 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over *Rogalski* in view of U.S. Patent No. 6,081,726 ("*Baek*"). As stated above, in view of the concurrently filed 37 C.F.R. 1.131 declaration, *Rogalski* is disqualified as prior art against the current application. For example, the 37 C.F.R. 1.131 declaration and supporting evidence show that at least portions of the claimed subject matter were conceived and at least constructively reduced to practice before January 8, 2003, the effective filing date of the provision to which *Rogalski* claims priority. Consequently, a rejection of any of the pending claims over *Rogalski* is inappropriate, and Applicants respectfully request withdrawal of the rejection of Claim 4-6 over *Rogalski*.

V. Rejection of Claims 10-13 and 22 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 10-13 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Rogalski* in view of U.S. Patent Pub. No. 2004/0039242 ("*Moore*"). As stated above, in view of the concurrently filed 37 C.F.R. 1.131 declaration, *Rogalski* is disqualified as prior art against the current application. For example, the 37 C.F.R. 1.131 declaration and supporting evidence show that at least portions of the claimed subject matter were conceived and at least constructively reduced to practice before January 8, 2003, the effective filing date of the provision to which *Rogalski* claims priority. Consequently, a rejection of any of the pending claims over *Rogalski* is inappropriate, and Applicants respectfully request withdrawal of the rejection of Claim 10-13 and 22 over *Rogalski*.

VI. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any

such statement is identified herein, Applicants declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
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